

From: Eric Sparkman <esparkman@squaxin.us>
Sent: Monday, March 13, 2023 8:41 AM
To: Scott Steltzner; Luke Viscusi
Subject: Re: Aquaculture Permitting Questions
Attachments: 6.3_Form.pdf

Categories: This message has been archived by Retain on April 14 2023 20:50

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Luke,

As far as requirements of shellfish growers, they are required to submit a 6.3 notice (a notice to tribes to create an artificial bed or enhance a natural bed of shellfish). A grower who takes over an existing operation is also required to submit their own 6.3 notice even if it is the same culture methods and the previous grower had submitted a 6.3. This requirement and process is from the 2007 Revised Shellfish Implementation Plan however the Tribes have put together a form that can be filled out that would meet these requirements. I have attached this form and other information can be found on the Tribe's webpage and also the webpage of the NWIFC:

<https://nwifc.org/about-us/shellfish/treaty-rights-faq/#gsc.tab=0>

and

<https://squaxinland.org/government/departments/natural-resources/shellfish/>

Feel free to reach out to me with further questions or clarifications,

Thanks,

Eric

Eric Sparkman
Shellfish Biologist
Squaxin Island Tribe
(360) 432-3811

From: Scott Steltzner <ssteltzner@squaxin.us>
Sent: Friday, March 10, 2023 1:36 PM
To: Luke Viscusi <LViscusi@masoncountywa.gov>
Cc: Eric Sparkman <esparkman@squaxin.us>
Subject: RE: Aquaculture Permitting Questions

Hi Luke,

I'm pretty sure we haven't met.

I deal with habitat marine permitting reviews for the Tribe. I am including Eric Sparkman. He is the lead for the shellfish department.

Speaking for the habitat side, there are no extra steps for either of your scenarios. If a permit is necessary, we should receive a copy of that, whether it be city, county, State, or Federal.

Your scenario #1 below clearly needs a permit. I would expect to see an HPA and a notice from the Corps. Mason, in its role as Government to Government, should be sending applications or notifications to the Tribe for review. FYI, for this particular application, Taylor (wisely) reached out to the Tribe before they submitted the application. We had several meetings and are satisfied with what they are proposing.

For your scenario #2 below, I'm not sure an HPA would be needed as it seems there are no habitat implications. If Mason County is issuing some permit, I hope they would send that to the Tribe; otherwise I'm not sure from a habitat standpoint, I would even know it is happening.

Eric in shellfish has other requirements that need to be met. I'll let him chime in.

Scott



Scott Steltzner
Environmental Program Manager
Natural Resources
Squaxin Island Tribe

200 S.E. Billy Frank Jr. Way
Shelton, WA 98584

D 360-432-3803
sseltzner@squaxin.us

From: Luke Viscusi <LViscusi@masoncountywa.gov>

Sent: Friday, March 10, 2023 10:26 AM

To: Scott Steltzner <sseltzner@squaxin.us>

Subject: Aquaculture Permitting Questions

Hello Scott,

I was given your contact info by Erin Ewald with Taylor Shellfish. I am looking for answers to 2 questions that revolve around tribal shellfish permitting. Are you the right person to ask the following questions to?

1. Taylor Shellfish is proposing a floating bag aquaculture project in the middle of Oakland Bay (see extents attached). Do they need any tribal permits for this project? Is more detail needed to determine whether they need permits?

2. There is a previously permitted shellfish grower that is retiring. One of their employees is starting a new LLC and looking to continue farming (same culture and methods) on the leased tidelands of the previous grower. Is there any sort of approvals or permits that are needed from the Squaxin Island Tribe to allow this new grower to take on previously permitted actions on private tidelands?

If these should be forwarded to someone else at the Squaxin Island Tribe, who would you recommend? Thank you for any help you can give!

Sincerely,

Luke Viscusi (he/him) | Planner

Mason County Community Services

Office # 360-427-9670 ext. 282

Cell # 360-490-3103

LViscusi@MasonCountyWA.gov

Luke Viscusi

From: Luke Viscusi
Sent: Wednesday, March 15, 2023 9:47 AM
To: 'Petersen, Kathy (ECY)'
Cc: ECY RE 303d (WQ)
Subject: RE: Project Near Sediment Bioassay Question

Categories: This message has been archived by Retain on March 15 2023 23:45

Hey Kathy,

Thank you very much for the clarity! That is really helpful.

Sincerely,

Luke Viscusi (he/him) | Planner
Mason County Community Services
Office # 360-427-9670 ext. 282
Cell # 360-490-3103
LViscusi@MasonCountyWA.gov

From: Petersen, Kathy (ECY) <katp461@ECY.WA.GOV>
Sent: Friday, March 10, 2023 2:48 PM
To: Luke Viscusi <LViscusi@masoncountywa.gov>
Cc: ECY RE 303d (WQ) <303d@ecy.wa.gov>
Subject: RE: Project Near Sediment Bioassay Question

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Hi Luke,

I'll chime in on this question. The term "impaired" relates to Category 4 and 5 assessed grids in the Water Quality Assessment. These grids either exist within a property boundary that contain some type of legal administrative mechanism (such as a TMDL, CAP, or ROD) or contain enough data to indicate that water quality criteria have not persistently been met.

In relation to the JARPA form, a project site to have known contaminated sediments would either be listed as Category 4 or 5, following the definitions provided above. Since the provided coordinates do not fall within a grid in either of these categories, you would checkmark the box next to *No*.

Feel free to reach out if you have additional questions about this.

Kathy Petersen
Sediment Source Control Specialist | Aquatic Lands Cleanup Unit
Toxics Cleanup Program | Washington Department of Ecology
Kathy.Petersen@ecy.wa.gov | (564) 669-3778

From: Luke Viscusi <LViscusi@masoncountywa.gov>
Sent: Tuesday, March 7, 2023 3:26 PM
To: ECY RE 303d (WQ) <303d@ecy.wa.gov>
Cc: Petersen, Kathy (ECY) <katp461@ECY.WA.GOV>
Subject: RE: Project Near Sediment Bioassay Question

Hey Justin,

Thank you so much for the explanation! One follow-up question I have is that this all relates to a question on the JARPA form (9i, see below). My question is how you use the term "impaired" in relation to the question. From what you told me in the email, I would check "yes" on the question below since there is some evidence of contamination, just not much evidence. Or would you only check "yes" if it was impaired? Hope this isn't too nit-picky.

9i. Does the project site have known contaminated sediment? [help]
<ul style="list-style-type: none">• If Yes, please describe below.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Sincerely,

Luke Viscusi (he/him) | Planner
Mason County Community Services
Office # 360-427-9670 ext. 282
Cell # 360-490-3103
LViscusi@MasonCountyWA.gov

From: ECY RE 303d (WQ) <303d@ecy.wa.gov>
Sent: Monday, March 6, 2023 11:28 AM
To: Luke Viscusi <LViscusi@masoncountywa.gov>
Cc: Petersen, Kathy (ECY) <katp461@ECY.WA.GOV>
Subject: RE: Project Near Sediment Bioassay Question

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Hi Luke,

Thanks for attaching a photo from the Water Quality Atlas for some context. For some background, the [Water Quality Assessment](#) only assess water and sediment that we have data for. This means that we do not have data for all sediments and waters within the state, and therefore cannot determine if every location is impaired or not.

Taking a look at this specific site it looks like it 1) overlaps some sediment Category 2 listings for sediment bioassay (yellow dashed box), 2) overlaps some water Category 1 (meeting standards) listings for fecal

coliform, and 3) overlaps some areas we do not have data for (e.g. no dashed boxes for sediment and open areas-blue for water). For these areas where we have no data we cannot make a determination for whether the waters or sediment are impaired or not.

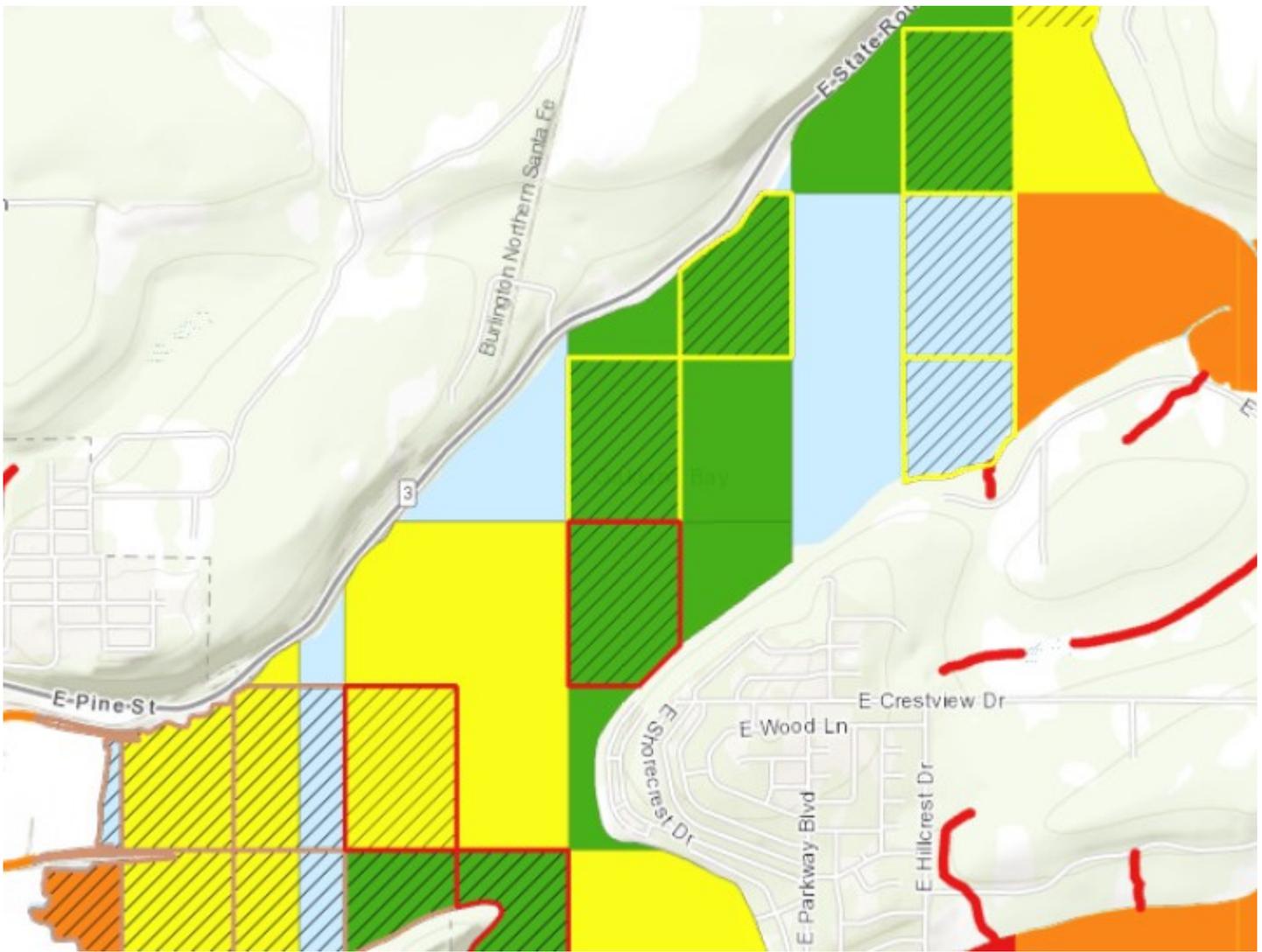
So there appears to be sediment within the site that is listed for Category 2 for Sediment Bioassay. Category 2 indicates that there is concern the water/sediment is not meeting standards, but there is not enough evidence to show it is impaired. A sediment bioassay is essentially a way of measuring the toxicity of the sediment, and can be a measure of a specific parameters, or a group of contaminants. I have cc'd Kathy Petersen our sediment lead for the Water Quality Assessment. She can provide more detail if you are interested.

So to answer your specific question

- Does being near this category 5 area mean that the project site has contaminated sediment?
 - Not necessarily. There are sediments in Category 2 showing that there has been some sediment contamination, but not enough to make it Category 5 (impaired).
- Or does the area marked on the map mean that the contamination is contained?
 - This would not mean the contamination is contained, but we only had the data to show that area is meeting Category 5
- What is a sediment bioassay, and does that only contain bacteria?
 - See above. This would not include bacteria, bacteria would water quality results and not the sediment.

Feel free to give me a call again if you want to chat.

Best – Justin



Justin Donahue

Water Quality Assessment Scientist

Department of Ecology | Water Quality Program

justin.donahue@ecy.wa.gov | Cell: (360) 628-3630

From: Luke Viscusi <LViscusi@masoncountywa.gov>

Sent: Monday, March 6, 2023 9:55 AM

To: ECY RE 303d (WQ) <303d@ecy.wa.gov>

Subject: Project Near Sediment Bioassay Question

Hello Justin,

I am a permit reviewer in Mason County's Planning Dept and have an aquaculture permit that brought up a question. I attached a crudely drawn image for reference. We have a proposed floating aquaculture project that will be about 2,000 ft away from an area on the [303d map](#). Does being near this category 5 area mean that the project site has contaminated sediment? Or does the area marked on the map mean that the contamination is contained?

For reference, the closest coordinate of the proposed project is 47.224121, -123.056164. Also, since I am not a scientist, would you help me to understand what the parameter "Sediment Bioassay" means. Is that just bacteria?

Thanks!

Sincerely,

Luke Viscusi (he/him) | Planner

Mason County Community Services

Office # 360-427-9670 ext. 282

Cell # 360-490-3103

LViscusi@MasonCountyWA.gov

Luke Viscusi

From: Lee, Rory W CIV USARMY CENWS (USA) <Rory.W.Lee@usace.army.mil>
Sent: Tuesday, May 9, 2023 11:23 AM
To: Luke Viscusi
Subject: RE: Interfering with Navigation Question NWS-2023-305-AQ

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Hi Luke,

The Corps cannot require an applicant to change their proposed project. However, we can deny their permit if they cannot resolve public interest concerns or if the project is prohibiting navigation. Therefore, in most cases, it is in the applicant's best interest to modify their project in order for the Corps to come to a favorable permit decision. I also failed to mention the Coast Guard will also be weighing in on to whether or not the proposed project creates a navigation safety concern.

Have a great day,

Rory

From: Luke Viscusi <LViscusi@masoncountywa.gov>
Sent: Tuesday, May 9, 2023 10:58 AM
To: Lee, Rory W CIV USARMY CENWS (USA) <Rory.W.Lee@usace.army.mil>
Subject: [Non-DoD Source] RE: Interfering with Navigation Question

Hey Rory,

Thank you so much for the information! Is it possible in these scenarios that the USACOE requires a reduction in size of the proposal based on public interest review or decision by the internal navigation team? I want to know if our county permit sets their size if issued and if you folks work with that or if the proposal could be limited in size through the Section 10 process?

Sincerely,

Luke Viscusi (he/him) | Planner
Mason County Community Services
Office # 360-427-9670 ext. 282
Cell # 360-490-3103
LViscusi@MasonCountyWA.gov

From: Lee, Rory W CIV USARMY CENWS (USA) <Rory.W.Lee@usace.army.mil>
Sent: Monday, May 8, 2023 4:38 PM
To: Luke Viscusi <LViscusi@masoncountywa.gov>
Subject: RE: Interfering with Navigation Question

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safe. If a link sends you to a website where you are asked to validate using your Account and Password, DO NOT DO SO! Instead, report the incident.

Good afternoon, Luke,

Thank you for reaching out.

The quick answer is no. We do not have specific guidelines that make a determination whether a project creates a navigation concern or not. However, the Corps does uphold Section 10 of the Rivers and Harbors Act, which focuses on ensuring navigation of our waterways.

This project as you have mentioned does pose a potential risk to navigation. Therefore, the Corps will be sending out a public notice soliciting comments from the public. This is part of our public interest review. Furthermore, the Corps can ask our internal navigation team if they can assess the navigation risk associated with the project. We reserve this until after the public comments are received.

Please feel free to continue reach out as we move through the permitting process. I am expecting the public notice to be going out next week.

Have a great day,

Rory

From: Luke Viscusi <LViscusi@masoncountywa.gov>
Sent: Monday, May 8, 2023 4:11 PM
To: Lee, Rory W CIV USARMY CENWS (USA) <Rory.W.Lee@usace.army.mil>
Subject: [Non-DoD Source] Interfering with Navigation Question

Hello Rory,

Erin Ewald notified me that you had been working with Taylor Shellfish on their Oakland Bay proposal. There is a particular part of our code that I am having trouble interpreting because it is very open-ended. I was wondering if USACOE has any guidelines for best practices in these situations.

The specific section of our Mason County Code is 17.50.210(b)(1)(K): Aquacultural structures shall be placed in such a manner, and be **suitably sized** and marked, **so as to minimize interference with navigation**.

Taylor Shellfish's proposal (attached) removes navigational access from 1/3rd the width of Oakland Bay. This issue is we have no guidelines for how much space is needed for navigation, so we don't have an easy answer for what 'suitably sized' means. For reference on the attachment, there is about 1,000 feet from the black extents to the shoreline to the SE and 1,600 feet from the black extents to the shoreline to the NW.

Does USACOE have any guidance for how much space is needed or ideal for recreational navigation in waterways of the South Puget Sound?

Sincerely,

Luke Viscusi (he/him) | Planner
Mason County Community Services
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LViscusi@MasonCountyWA.gov

Luke Viscusi

From: Carp, Lizzie (ECY) <lcar461@ECY.WA.GOV>
Sent: Monday, May 15, 2023 3:13 PM
To: Luke Viscusi
Subject: RE: Statewide Interests

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Hi Luke,

I'm not aware of a list, but recreational boating doesn't seem to be a top priority. You could consider it covered under (5) and (6) under RCW 90.58.020. The SMA doesn't regulate it directly except through associated development (boat launches, docks, etc.). I think you could make a better case that aquaculture ranks "above" recreational boating. The Mason County SMP describes aquaculture as "of statewide interest." Inslee had the Washington Shellfish Initiative, which I've seen used to make the case that it's a statewide interest. Either way, it seems like the SMP tries to mediate use conflicts with mitigation for impacts to public access. Is that helpful?

Lizzie

From: Luke Viscusi <LViscusi@masoncountywa.gov>
Sent: Friday, May 12, 2023 8:51 AM
To: Carp, Lizzie (ECY) <lcar461@ECY.WA.GOV>
Cc: Gavin Scouten <GScouten@masoncountywa.gov>
Subject: Statewide Interests

Hey Lizzie,

For pretty much every shellfish permit I review, the applicant makes that case that aquaculture is in the statewide interest. This becomes important because of RCW [90.58.020](#), stating that the local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which: (1) Recognize and protect the statewide interest over local interest.

Is there any sort of list of "statewide interests" or can applicants kind of make the argument however they want? I guess I'm wondering if someone could make the case that recreational boating is in more of the statewide interest than aquaculture. Do you folks know of any sort of statewide interest hierarchy?

Sincerely,

Luke Viscusi (he/him) | Planner
Mason County Community Services
Office # 360-427-9670 ext. 282
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LViscusi@MasonCountyWA.gov

From: Carp, Lizzie (ECY) <lcar461@ECY.WA.GOV>
Sent: Wednesday, June 14, 2023 9:31 AM
To: Luke Viscusi
Subject: RE: ECY Aquaculture Siting Study

Categories: This message has been archived by Retain on June 17 2023 00:34

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Hi Luke,

I've been traveling for work over the past few weeks and this got lost, so sorry about the late response. Our 2017 SMP Handbook references this study in its [discussion of visual impacts](#), so I think Ecology still considers it legitimate. This section of the guidance recommends local governments "rely on flexible standards that incorporate the 1500-2000 foot distance" recommended in this study. It also says local gov's can require a visual impacts study, possibly using criteria from the 1986 study, if you feel that's needed.

Lizzie

From: Luke Viscusi <LViscusi@masoncountywa.gov>
Sent: Tuesday, May 23, 2023 1:32 PM
To: Carp, Lizzie (ECY) <lcar461@ECY.WA.GOV>
Subject: ECY Aquaculture Siting Study

Hey Lizzie,

Taylor Shellfish is referencing the attached document from ECY in their reasoning for aesthetics of the Oakland Bay floating aquaculture proposal (86-10). Is this still a relevant and appropriate resource to be using for aquaculture siting? Or do you think this is out of date?

Sincerely,

Luke Viscusi (he/him) | Planner
Mason County Community Services
Office # 360-427-9670 ext. 282
Cell # 360-490-3103
LViscusi@MasonCountyWA.gov

Luke Viscusi

From: Lee, Rory W CIV USARMY CENWS (USA) <Rory.W.Lee@usace.army.mil>
Sent: Wednesday, June 28, 2023 9:59 AM
To: Luke Viscusi
Subject: RE: PBA & Taylor Shellfish Oakland Bay Proposal
Attachments: image002.emz; Verification_Conditions.pdf

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Good morning, Luke,

Thank you for reaching out. The Corps has now made the determination the proposed project meets the programmatic based on the system being defined as a floating/suspended bag system. Therefore, the proposed project would fit the programmatic as long as they comply with the conservation measures. I have provided some additional reference material below and attached the conditions in order to comply with the programmatic. If you would like to follow-up with a phone call, please let me know.

Have a great day,

Rory

Rafts, floats, and FLUPSYs that were in place and operating for a shellfish related purpose prior to 18 March 2007 and meet the definition of a 'continuing' activity are included in the proposed action (Table 6). Installation and operation of 'new' structures (i.e., rafts, floats, and FLUPSYs) is not part of the proposed action. The proposed action includes a set of conservation measures developed jointly with the Services as part of a multi-agency Standard Local Operating Procedures for Endangered Species (SLOPES) process. These conservation measures must be adhered to in order for an activity to be authorized by the COE under this consultation.

Species	PBA Covered Activities and Structures	
Oyster (Pacific, Olympia, Kumamoto, Eastern, European Flat)	Seeding/ Planting	Raft, floats, and FLUPSYs and associated maintenance that are components of a 'continuing' activity Prepare substrate by removal of debris (rocks/large wood) Remove/relocate undesired aquatic species Apply up to 1-inch layer of gravel/shell annually to firm substrate (sprayed from vessel, or delivered with land vehicle and mechanically or hand deposited). Deposited material cannot be thicker than one inch even on a temporary basis. Mechanically level substrate Use of 'continuing' seed floats Use of work floats Use of racks/elevated trays or bins Create oyster hummocks (oyster shell mounds) Install bags of cultch material onto stakes, lines, racks, trays or secured directly onto substrate Suspend lantern nets, bags, cages, vertical ropes or wires from surface longlines, or 'continuing' rafts
	Maintenance/gorw-out	Continued removal of debris/aquatic species, as necessary Flip/turn bags Re-position stakes Remove excess biofouling Harrow to lift excess mud or sand/re-level substrate Pull and restack trays
	Harvest/Processing	Hand harvest into containers for transport Mechanical shallow depth dredging from barges Collection and transport of oysters to 'fattening' beds to harden (2nd harvest then occurs) Wet storage (in-water) Use of work platforms Intake or outfall structures (pipes) (discharge compliant with NPDES) to connect upland wet storage holding tanks

Table 4. Shellfish Activities Not Covered by the proposed action.

Excluded Activities and Structures
Vertical fencing/vertical nets or drift fences (includes oyster corrals)
New berms or dikes or the expansion or maintenance of existing, authorized berms or dikes
Use of a hopper-type barge or other method that results in material (i.e. gravel or shell) placed during graveling or frosting activities that is thicker than 1 inch in depth even for short periods of time.
Pile driving
Mooring Buoys
Upland Hatcheries
Cultivation of shellfish species not previously cultivated in the action area
Attendant features, such as docks, piers, boat ramps, stockpiles, or staging areas
Deposition of shell material back into waters of the United States as waste
Dredging or creating channels so as to redirect fresh water flow
Installation of new rafts, floats, or new FLUPSYS or the relocation or expansion of continuing rafts, floats, or FLUPSYS.
The use of materials that lack structural integrity in the marine environment (e.g. plastic children's wading pools, unencapsulated Styrofoam®).
Any form of chemical application to control undesired species (e.g., burrowing shrimp); however, use of imazamox to treat <i>Zostera japonica</i> on clam culture beds is considered interrelated and interdependent for purposes of this opinion. All other activities involving use of chemicals to treat undesired species are not covered by this programmatic.

Critical Conservation Measures:

2. The placement of gravel or shell directly into the water column (i.e., graveling or frosting) shall not be conducted between February 1 and March 15 in designated critical habitat for Hood Canal summer chum salmon.
3. For 'new' activities only, gravel or shell material shall not be applied to enhance substrate for shellfish activities where native eelgrass (*Zostera marina*) or kelp (rooted/attached brown algae in the order *Laminariales*) is present.
6. For 'new' activities only, shellfish activities (e.g., racks, stakes, tubes, nets, bags, long-lines, on- bottom cultivation) shall not occur within 16 horizontal feet of native eelgrass (*Zostera marina*) or kelp (rooted/attached brown algae in the order *Laminariales*). If eelgrass is present in the vicinity of an area new to shellfish activities, the eelgrass shall be delineated and a map or sketch prepared and submitted to the Corps. Surveys to determine presence and location of eelgrass shall be done during times of peak above-ground biomass: June 1 – September 30. The following information must be included to scale: parcel boundaries, eelgrass locations and on-site dimensions, shellfish activity locations and dimensions.



BUILDING STRONG®

From: Luke Viscusi <LViscusi@masoncountywa.gov>
Sent: Tuesday, June 27, 2023 12:02 PM
To: Lee, Rory W CIV USARMY CENWS (USA) <Rory.W.Lee@usace.army.mil>
Subject: [Non-DoD Source] PBA & Taylor Shellfish Oakland Bay Proposal

Hey Rory,

Hope all is well. I have a few questions about the Programmatic Biological Assessment for Shellfish Activities done by USACOE in 2015 that I was hoping you could help with. Specifically, I am looking at how the Taylor Shellfish Oakland Bay proposal fits within the parameters of the PBA.

I guess the first thing to ask is whether their proposed aquaculture is covered under the PBA? I'm getting mixed messages from reading the PBA that I think are the result of me just not being familiar enough with the document and aquaculture processes. In section 3.1.2., page 6-7 it states: "Installation and operation of 'new' structures or the expansion of 'continuing' structures are not PBA covered activities." So that tells me that the proposal is not covered under the PBA. However, it seems to me that the closest associated aquaculture method for their proposal is 'longlines.' This may be inaccurate since I am not the most familiar with the longline techniques. Later in section 3.4.1, page 41 states: "New surface or floating longlines would be authorized under the proposed action." So that tells me the proposal may actually be covered under the PBA if I am interpreting it correctly. I also don't think the proposal fits into the list of PBA Excluded Activities and Structures in Table 3-3, unless the proposal would be considered "installation of new rafts, floats..." or "unauthorized activities." Do you have any further input on this?

My next question is in regard to the 2 attached images. They are screenshots of Table 3-4 and 3-6. If this is a PBA covered activity, I am trying to figure out where the proposal falls into on the tables. It seems to certainly be "floating aquaculture," so I assume the proposal just needs to be less than the 42 acres specified for the South Puget Sound to be covered under the PBA? Would the proposal fit into the line item for "New floating acres - surface longlines" in Table 3-4, which has a maximum of 22 acres? I am aware that these are the limits of acreage over the 20-year period of the PBA.

My third question is how are the "acres" on those tables is being interpreted? I see the following terms throughout Section 3 of the PBA: geographic footprint, footprint, activity acreage, and activity footprint. For Taylor Shellfish's proposal do all of those terms essentially mean the same thing? And, what exactly would the acreage be for their proposal? Is it 50-acres because that is the total farm site, or is it 9.1-acres because that is the footprint of the actual aquaculture gear, or is it another amount entirely?

Thanks for any info you can provide. I'm happy to provide more clarity if needed.

Sincerely,

Luke Viscusi (he/him) | Planner

Mason County Community Services

Office # 360-427-9670 ext. 282

Cell # 360-490-3103

LViscusi@MasonCountyWA.gov

From: Carp, Lizzie (ECY) <lcar461@ECY.WA.GOV>
Sent: Monday, July 17, 2023 8:56 AM
To: Luke Viscusi
Subject: RE: SHR2023-00003

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Hi Luke,

There doesn't appear to be any requirement for a conditional use permit. The SMP allows floating aquaculture outright as a permitted use, and from our understanding of Taylor Shellfish's proposal, it is a type of floating aquaculture. CUPs are only required when the use is listed as a conditional use, or the use is not listed at all. We know this particular type of floating aquaculture has not been permitted before, but as long as it is some type of "floating aquaculture," then it seems covered by that item in the SMP permitting matrix and is not a conditional use.

They may still want to evaluate cumulative impacts, even if they decide to no longer require a SCUP. The Shoreline Hearings Board found in *Coalition to Protect Puget Sound Habitat v. Pierce County*, SHB No. 13-016c that cumulative impacts should be considered for SDPs in certain circumstances, including if the project would be "first of its kind" in the area. They can see page 17 of our [Shoreline Permitting Manual](#) for more details on determining if a cumulative impacts analysis is appropriate.

Let me know if you have any other questions.

Thanks,
Lizzie

Lizzie Carp
Wetland/Shoreland Specialist
WA Department of Ecology | Southwest Regional Office | Shorelands & Environmental Assistance Program
(564) 200-4184 | lizzie.carp@ecy.wa.gov

From: Luke Viscusi <LViscusi@masoncountywa.gov>
Sent: Friday, July 14, 2023 4:47 PM
To: Carp, Lizzie (ECY) <lcar461@ECY.WA.GOV>
Subject: RE: SHR2023-00003

Hey Lizzie,

I wanted to check back in on this.

You were wondering about why a Conditional Use Permit was needed for the Taylor Shellfish Oakland Bay proposal. I had said "due to 17.50.400(c)(3)(B). When we discussed the project with Taylor Shellfish, prior to them applying for the permit, we talked about how this specific method of floating aquaculture hasn't yet been permitted in Mason County and

is not specifically called out in our code.” I do know Mason County Code 17.50.090 permits floating aquaculture with a Substantial Development Permit. Did you agree that the project needs a Conditional Use Permit or do you folks believe that it only needs a Substantial Development Permit?

Sincerely,

Luke Viscusi (he/him) | Planner

Mason County Community Services

Office # 360-427-9670 ext. 282

Cell # 360-490-3103

LViscusi@MasonCountyWA.gov

From: Luke Viscusi

Sent: Friday, May 19, 2023 5:14 PM

To: 'Lizzie.Carp@ECY.wa.gov' <Lizzie.Carp@ECY.wa.gov>

Subject: SHR2023-00003

Hey Lizzie,

Got your voicemail. Ignore what I said about that map, the reasoning for the Conditional Use Permit is due to 17.50.400(c)(3)(B). When we discussed the project with Taylor Shellfish, prior to them applying for the permit, we talked about how this specific method of floating aquaculture hasn't yet been permitted in Mason County and is not specifically called out in our code. If you need me to elaborate more, just let me know and I'll draft something.

Sincerely,

Luke Viscusi (he/him) | Planner

Mason County Community Services

Office # 360-427-9670 ext. 282

Cell # 360-490-3103

LViscusi@MasonCountyWA.gov

Luke Viscusi

From: Way, David (DNR) <David.Way@dnr.wa.gov>
Sent: Monday, July 24, 2023 6:04 PM
To: Luke Viscusi
Subject: RE: Questions about Water Delivery from Helicopters or Planes

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Hi Luke,

Helicopters can dip out of very small waterways, but fixed wings obviously require more runway. Usually they need about an open mile of water with clear approach and departure.

We do have identified “no-go” waterbodies for dipping water with helicopters. The fixed wings are left to the pilot’s discretion and there are FAA rules that they must abide by. We do this a lot in high recreation areas like on the Columbia River and Lake Chelan. If it’s really busy, we often work with local Sheriff’s office or other entities to keep recreationists clear. Sorry, those are all kind of loose answers to your questions, but it is so case by case dependent, that it is hard to drill down on what we can and can’t do.

I hope this helps,



David Way
Assistant Division Manager for Operations
Wildland Fire Management Division
WA State Dept. of Natural Resources
Mobile: 360-333-5741
David.Way@dnr.wa.gov
www.dnr.wa.gov

From: Luke Viscusi <LViscusi@masoncountywa.gov>
Sent: Monday, July 24, 2023 4:47 PM
To: Way, David (DNR) <David.Way@dnr.wa.gov>
Subject: RE: Questions about Water Delivery from Helicopters or Planes

External Email

Hey David,

Thank you for the info, I appreciate it. I do still want to ask:

1. Is there a specific amount of space or clearance needed in bodies of water to allow for scooping of water from helicopters/planes.
2. Are certain bodies of water designated as “good” or “no-go” for scooping water?

3. How close can a pilot get to any obstructions in the water (ie. boats, docks, mussel rafts, buoys, etc.) while scooping or is it at the pilot's discretion?

Sincerely,

Luke Viscusi (he/him) | Planner

Mason County Community Services

Office # 360-427-9670 ext. 282

Cell # 360-490-3103

LViscusi@MasonCountyWA.gov

From: Way, David (DNR) <David.Way@dnr.wa.gov>

Sent: Friday, July 21, 2023 11:55 AM

To: Luke Viscusi <LViscusi@masoncountywa.gov>

Subject: RE: Questions about Water Delivery from Helicopters or Planes

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Hi Luke,

Dipping/Scooping out of the salt water is generally an exception rather than a common practice for firefighting. It would be highly unlikely we would need to do that again in that specific area, so I don't think this is something that should hold up your project planning for Oakland Bay. If you send questions my way I can try my best to address them if my statements above don't suffice.

Thanks,



David Way

Assistant Division Manager for Operations

Wildland Fire Management Division

WA State Dept. of Natural Resources

Mobile: 360-333-5741

David.Way@dnr.wa.gov

www.dnr.wa.gov

From: Luke Viscusi <LViscusi@masoncountywa.gov>

Sent: Wednesday, July 19, 2023 4:12 PM

To: Way, David (DNR) <David.Way@dnr.wa.gov>

Subject: Questions about Water Delivery from Helicopters or Planes

External Email

Hello David,

I was referred to you because I had some questions about the DNR's parameters for water delivery from helicopters or planes.

I am a land-use planner reviewing a shellfish project proposal in the location cited in the attached document. Recently, for the McEwan fire near Shelton, WA, the DNR's helicopters and planes collected water from Oakland Bay in Mason County, where the project is proposed.

Are you the best person to ask about suitable conditions for continuing to collect water in that bay in the future? This project will be going to a public hearing and has received a lot of attention from the public. I'd like to communicate to the public, the project proponents, and our Mason County Hearing Examiner if this project will ultimately affect the ability of Oakland Bay to be used for future fire suppression if the project is approved.

I have some pretty specific questions, so figure I will wait until I have the right person before I ask them. Thanks and let me know.

Sincerely,

Luke Viscusi (he/him) | Planner
Mason County Community Services
Office # 360-427-9670 ext. 282
Cell # 360-490-3103
LViscusi@MasonCountyWA.gov